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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,647	07/27/2004	R. Michael Rudd	04-0046	4646
30550	7590	08/28/2006	EXAMINER	
BILL & MARY LOU INC. 101 LOMBARD STREET #510 W SAN FRANCISCO, CA 94111			PUROL, SARAH L	
			ART UNIT	PAPER NUMBER
			3634	

DATE MAILED: 08/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/710,647

**Applicant(s)**

RUDD, R. MICHAEL

**Examiner**

Sarah Puroi

**Art Unit**

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7/27/04</u> .   | 6) <input type="checkbox"/> Other: ____.                                    |

Art Unit: 3634

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2,3,4 rejected under 35 U.S.C. 103(a) as being unpatentable over Towers 6,099,060 in view of Hochman 3,739,919. Towers teaches a Bungee cord carrier capable of holding bungee cords of a variety of lengths. Hochman teaches a tube 11 having a plurality of attachment openings 12 capable of receiving a hook. To mount bungee cords of Towers upon the tubular support of Hochman for the purpose of easy access of the cords would have been obvious for one having ordinary skill in the art at the time of the invention. Because the openings 12 are relatively small, the bungee cords are constrained from motion relative to the tube 11.

Claim 5-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Towers in view of Hochman as described above and further in view of Seyforth 2,868,386. The Towers in view of Hochman combination teaches the device absent an axle bracket. Seyforth teaches a tubular display rack having an axle bracket 15 to facilitate rotation. To provide the combination with rotation means as taught by Seyforth to provide rotation for the retrieval of the stored items would have been obvious for one having ordinary skill in the art at the time of the invention. Note that the Seyforth device can be supported on a horizontal surface, on a vertical surface or hung from a ceiling. The method claimed is obvious for one having ordinary skill in the art at the time of the invention.


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Similar storage devices are illustrated by Schooley 5,139,208; Dunnavant, Jr. 5,845,787; Elander 6,886,796.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah Purol. The examiner can normally be reached on Mon. Tue. Thurs. For general questions relating to this application please e-mail the examiner at [Sarah.Purol@USPTO.GOV](mailto:Sarah.Purol@USPTO.GOV).

The examiner prefers e-mail to telephone correspondence whenever possible.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Sarah Purol  
Primary Examiner  
AU 3634